

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

)	
HAITIAN-AMERICANS UNITED, INC.,)	
BRAZILIAN WORKER CENTER,)	
CHELSEA COLLABORATIVE, INC. and)	
CENTRO PRESENTE,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 20-11421-DPW-BMS-PBS
)	
DONALD J. TRUMP, President of the)	
United States in his Official Capacity,)	
UNITED STATES DEPARTMENT OF)	
COMMERCE, UNITED STATES)	
BUREAU OF THE CENSUS, STEVEN)	
DILLINGHAM, Director of the U.S.)	
Census Bureau in his Official Capacity,)	
and WILBUR ROSS, Secretary of the)	
Department of Commerce in his Official)	
Capacity,)	
)	
Defendants.)	
)	

PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs request that Defendants United States Department of Commerce, United States Census Bureau, Wilbur L. Ross, Jr., and Steven Dillingham (collectively, "Defendants") produce for inspection and copying the documents or things described below. Production of all such documents and other tangible things shall be made by three business days prior to the Rule 30(b)(6) deposition of the United States Census Bureau, and otherwise in accordance with Rule 34 of the Federal Rules of Civil Procedure, at the offices of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., One Boston Place, Suite 3500, Boston, MA 02108.

DEFINITIONS

The definitions set forth in Local Rule 26.5(c) are incorporated by reference. In addition, the following specific definitions apply:

1. “You and “Your” refer to United States Department of Commerce, United States Census Bureau, Wilbur L. Ross, Jr., and Steven Dillingham, as well as all Persons acting on their behalf or behalves, including their officers, employees, agents, representatives, and attorneys.
2. The term “Methodological Options Working Group” refers to the working group convened by the Census Bureau on or about August 3, 2020, in response to the July 21, 2020 Memorandum.
3. The term “Executive Order 13880” means Executive Order No. 13880, *Collecting Information about Citizenship Status in Connection with the Decennial Census* (July 11, 2019), 84 Fed. Reg. 33821, issued on July 11, 2019.
4. The term “July 21, 2020 Memorandum” means the Presidential Memorandum entitled *Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census*, 85 Fed. Reg. 44679, 44680 (July 23, 2020), issued on July 21, 2020.
5. The term “September 18 Press Secretary Statement” refers to the Statement from the White House Press Secretary issued on September 18, 2020 and available at: <https://www.whitehouse.gov/briefings-statements/statement-press-secretary-091820/>.
6. The term “undocumented immigrants” refers to any and all persons referred to or intended to be included within the term “aliens who are not in a lawful immigration status,” as that term is used in the July 21, 2020 Memorandum, as well as to any and all persons referred to or intended to be included within the term “illegal aliens,” as that term is used in the September 18 Press Secretary Statement.

7. The term “legal aliens” refers to any and all foreign-born persons legally admitted to and present in the United States under the Immigration and Nationality Act, including but not limited to conditional and permanent residents and legal nonimmigrants.

8. The term “Policy” refers to the policy of the United States, as announced in the July 21, 2020 Memorandum, to exclude illegal aliens from the apportionment base.

9. Where appropriate, each singular word shall include its plural and each plural word shall include its singular. The words “any,” “and,” and “or” shall be construed either disjunctively or conjunctively as necessary to require production of all Documents that might otherwise be outside the scope of discovery. The following words include the meaning of every other word: “each,” “every,” “all,” and “any.” The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

INSTRUCTIONS

1. Pursuant to Federal Rules of Civil Procedure 26(e) and 34, these document requests are continuing in nature, requiring supplemental production of documents if You later identify additional documents responsive to these requests.

2. These document requests call for production of all responsive documents in Your possession, custody or control, including any of Your respective employees, agents, attorneys or other persons acting or purporting to act on Your behalf, regardless of location.

3. The relevant time period for these document requests is June 1, 2019 to the present.

4. All other terms used within this document, including any terms used, but not specifically defined, within the Definitions section, possess their customary or standard meaning.

5. For all purposes herein, all spelling, syntax, grammar, abbreviations, idioms, and proper nouns shall be construed and interpreted to give proper meaning and consistency to their context.

6. If you contend that any document responsive to any of these requests is privileged or otherwise not subject to discovery, please provide a privilege log indicating: (a) the name and address of each signatory to the document, if any, and the capacity in which each signed; (b) the date of the document; (c) the name of each addressor or author of the document and the capacity in which each was acting at the time he or she addressed or created the document; (d) the name of each addressee of the document (including all persons to whom copies were sent) and the capacity in which each was addressed; (e) the nature of the document (e.g., note, memorandum, letter, e-mail, etc.) and subject matter of the document; and (f) the specific grounds or reasons for withholding the document.

7. To the extent that you object to any of these Requests, or any part thereof, set forth all reasons for your objection. You are requested for each such Request to respond to the fullest extent that your objections permit.

8. You may produce true, correct, and legible copies of the documents requested.

9. You must produce the responsive documents either (a) as they are kept in the usual course of business, or (b) organized and labeled to correspond with the Requests to which they are responsive.

REQUESTS FOR PRODUCTION

1. All documents and all communications concerning the feasibility of implementing the Policy.

2. All documents and all communications concerning the extent to which full or partial compliance by the Census Bureau with the July 21, 2020 Memorandum is or is not feasible.

3. All documents and all communications concerning the formation, projects, deliberations, and timeline of the Methodological Options Working Group.

4. All documents and all communications concerning any data, estimates, or analyses regarding the number of “illegal aliens” in the country or in any state or other political subdivision thereof, including but not limited to documents created in response to or to implement the directives of Executive Order 13880 or the July 21, 2020 Memorandum.

5. All documents and all communications concerning the Department of Commerce’s “continuing preparations to execute the President’s policy not to include illegal aliens in the apportionment base,” as described in the September 18 Press Secretary Statement.

6. All documents and all communications concerning the Department of Commerce’s “efforts to compile citizenship and immigration status data to achieve an accurate count of the number of illegal aliens in the country,” as described in the September 18 Press Secretary Statement.

7. All documents and all communications concerning the methodologies or options to be employed for meeting the requirements of Executive Order 13880 and effectuating, or studying the feasibility of effectuating, the Policy.

8. All documents and all communications concerning the collection or use of administrative data in meeting the requirements of Executive Order 13880 and effectuating, or studying the feasibility of effectuating, the Policy.

9. All documents and all communications concerning the potential, partial, or actual use of statistical sampling in effectuating the Policy.

10. All documents and all communications concerning potential or actual methodologies for ensuring that the Department of Commerce and/or the Census Bureau does not misidentify,

mislabel, or exclude U.S. citizens, legal permanent or conditional residents, and other legal aliens from the congressional apportionment base in seeking to effectuate the Policy.

**HAITIAN-AMERICANS UNITED, INC.,
BRAZILIAN WORKER CENTER,
CHELSEA COLLABORATIVE, INC., and
CENTRO PRESENTE**

By their attorneys,

/s/ _____
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Dated:

CERTIFICATE OF SERVICE

I hereby certify that on _____, the within document was served on counsel for Defendants by e-mail and first class mail, as follows:

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/s/ _____
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